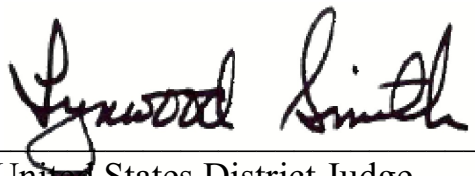


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The court has considered the entire file in this action together with the magistrate judge's Report and Recommendation and has reached an independent conclusion that the magistrate judge's Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES**

the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, the defendants' motions to dismiss (docs. 27 and 30) are due to be **GRANTED** and the plaintiff's motion to strike (doc. 34) is deemed to be **MOOT**. An appropriate order will be entered.

DONE this 23rd day of July, 2009.



United States District Judge